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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 RANDE ROSS,

12 Plaintiff,

13 v.

14 SAN DIEGO COUNTY, et al.,

15 Defendants.
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) Civil No. 08cv0107-BEN (RBB)

) **ORDER:**

) **(1) DENYING MOTION TO**
) **PROCEED *IN FORMA PAUPERIS*;**
) **AND**

) **(2) DISMISSING THE ACTION**
)
)
)

18 Plaintiff Rande Ross ("Plaintiff") filed the present action against the County of San
19 Diego, the Sheriff's Department and a Deputy Sheriff on January 15, 2008. Plaintiff alleges that
20 Defendants violated her rights under section 1983 of the Civil Rights Act and requests
21 permission to proceed *in forma pauperis*. For the reasons below, the Court denies Plaintiff's
22 request and dismisses the action without prejudice and with leave to re-open upon payment of
23 the filing fee.

24 Plaintiff is not entitled to proceed the *in forma pauperis*. All parties instituting any civil
25 action, suit, or proceeding in a district court of the United States, except for an application for
26 writ of habeas corpus, must pay a filing fee of \$350.00. 28 U.S.C. § 1914. An action may
27 proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to
28 proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). See *Rodriguez v. Cook*, 169 F.3d

1 1176, 1177 (9th Cir. 1999). Under §1915(a), the court may authorize the commencement of an
2 action without prepayment of fees if the plaintiff submits an affidavit, including a statement of
3 all assets, showing that he is unable to pay the filing fee.

4 A party need not be completely destitute to proceed *in forma pauperis*. *Adkins v. E.I.*
5 *DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948). But “the same even-handed care must
6 be employed to assure that federal funds are not squandered to underwrite, at public expense,
7 either frivolous claims or the remonstrances of a suitor who is financially able, in whole or in
8 material part, to pull his own oar.” *Temple v. Ellerthorpe*, 586 F. Supp. 848, 850 (D.R.I. 1984).

9 In the declaration submitted in support of his Motion to Proceed *in Forma Pauperis*,
10 Plaintiff stated that she is unemployed and has been receiving disability insurance payments of
11 approximately \$2,100/month. (Plaintiff’s Declaration in Support of Motion to Proceed *In Forma*
12 *Pauperis* (“Decl.”), at ¶3). Plaintiff also owns a car and a house. (Decl., at 6). Although she
13 carries significant debt as well, she has not established her entitlement to the *in forma pauperis*
14 status. Therefore Plaintiff’s motion to proceed *in forma pauperis* is denied.

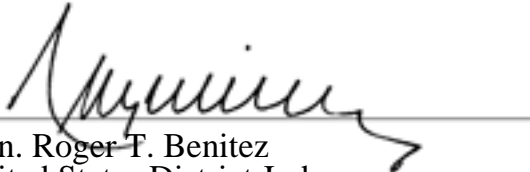
15 CONCLUSION

16 Plaintiff’s Motion to Proceed *In Forma Pauperis* is **DENIED**. Accordingly, the
17 Complaint is dismissed without prejudice and may be re-opened if the Plaintiff pays the required
18 filing fee within 90 days of the date of this Order.

19 **IT IS SO ORDERED.**

20 DATED: February 14, 2008

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Hon. Roger T. Benitez
United States District Judge